

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
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CHAPTER 100

HOUSE BILL 2285

AN ACT

AMENDING SECTION 48-807, ARIZONA REVISED STATUTES; RELATING TO FIRE DISTRICT ASSISTANCE TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-807, Arizona Revised Statutes, is amended to
3 read:

4 48-807. County fire district assistance tax; annual budget

5 A. The board of supervisors of a county shall levy, at the time of
6 levying other property taxes, a county fire district assistance tax on the
7 taxable property in the county of not more than ten cents per one hundred
8 dollars of assessed valuation. The tax levy provided for in this subsection
9 shall be a levy of secondary property taxes and shall not be subject to title
10 42, chapter 17, article 2. The county treasurer shall pay to each fire
11 district, including a fire district formed pursuant to section 48-851, in the
12 county from the proceeds of the tax an amount equal to twenty per cent of the
13 property tax levy adopted by the district for the fiscal year in which the
14 tax will be levied, except that:

15 1. The amount of assistance from the county to a fire district shall
16 be reduced as follows:

17 (a) By the dollar amount that the fire district receives from the fire
18 district assistance tax that exceeds three hundred thousand dollars from and
19 after June 30 of each fiscal year.

20 (b) Except as provided in paragraph 2, if the total amount to be paid
21 to all districts in the county under this paragraph exceeds the amount to be
22 raised by the levy of ten cents per one hundred dollars assessed valuation,
23 then the county treasurer shall pay an amount less than twenty per cent of
24 the property tax levy of each district. The amount to be paid by the county
25 treasurer to each district shall be determined by multiplying the proceeds of
26 the county fire district assistance tax against the proportion that twenty
27 per cent of the property tax levy of each district bears to the total of
28 twenty per cent of the property tax levies of all fire districts in the
29 county.

30 2. For fiscal years beginning from and after July 1, 1992, the amount
31 of assistance from the county to a fire district shall not be less than the
32 assistance provided from and after June 30, 1991 through June 30, 1992, if,
33 for the fiscal year in which the tax will be levied, the district levies a
34 tax, in addition to any tax levied under section 48-806, of three dollars per
35 one hundred dollars of assessed valuation and the assessed valuation is at
36 least ninety per cent of the assessed valuation for the 1991 tax year. This
37 paragraph does not apply to fire districts subject to paragraph 1,
38 subdivision (a).

39 B. For the purpose of subsection A of this section, the property tax
40 levy of the fire district shall include in lieu contributions pursuant to
41 chapter 1, article 8 of this title but shall not include property tax levies
42 to be applied to the payment of principal and interest on bonds issued
43 pursuant to section 48-806.

1 C. Notwithstanding subsection A of this section, if two or more fire
2 districts merge to form a consolidated district, the last amount received by
3 each fire district from the fire district assistance tax prior to the merger
4 shall be combined and if the combined amount exceeds three hundred thousand
5 dollars, the consolidated district may continue to receive ~~that amount~~ THE
6 SUM OF THE AVERAGE OF THE FIRE DISTRICT ASSISTANCE TAX RECEIVED BY EACH FIRE
7 DISTRICT IN THE THREE PREVIOUS YEARS PRIOR TO THE MERGER from the fire
8 district assistance tax.

9 D. If two or more fire districts merge to form a consolidated district
10 and the total of the amounts received by each fire district from the fire
11 district assistance tax is less than three hundred thousand dollars, the
12 consolidated district may continue to receive monies until its receipts total
13 three hundred thousand dollars, as prescribed in subsection A of this
14 section.

15 E. Not more than ten days after the perfection of the organization of
16 a fire district, and thereafter not later than August 1 of each year, the
17 chief and the secretary-treasurer of the district, or if there is a district
18 board, the chairman of the board, shall submit to the board of supervisors an
19 estimate, certified by items, of the amount of money required for the
20 equipment and maintenance of the district for the ensuing year.

21 F. The board, based on the budget submitted by the district, shall
22 levy, in addition to any tax levied as provided in section 48-806, a tax not
23 to exceed three dollars twenty-five cents per one hundred dollars of assessed
24 valuation against all property situated within the district boundaries and
25 appearing on the last assessment roll. The levy shall be made and the taxes
26 collected in the manner, at the time and by the officers provided by law for
27 the collection of general county taxes.

28 G. The county treasurer shall keep the money received from taxes
29 levied pursuant to subsection F of this section in a separate fund known as
30 the "fire district fund" of the district for which collected. Any surplus
31 remaining in the fund at the end of the fiscal year shall be credited to the
32 fire district fund of the district for which collected for the succeeding
33 fiscal year.

34 H. When a fire district has adopted a budget and the board of
35 supervisors has levied a fire district tax as provided in subsection F of
36 this section and the district has insufficient money in its fund with the
37 county treasurer to operate the district, the elected chief and the
38 secretary-treasurer, or if there is a district board, the chairman of the
39 board, on or after August 1 of each year, may draw warrants for the purposes
40 prescribed in section 48-805 on the county treasurer, payable on November 1
41 of that year or on April 1 of the succeeding year. The aggregate amounts of
42 the warrants may not exceed ninety per cent of the taxes levied by the county
43 for the district's current fiscal year. If the treasurer cannot pay a
44 warrant for lack of funds in the fire district fund, the warrant shall be
45 endorsed, be registered, bear interest and be redeemed as provided by law for

1 county warrants, except that the warrants are payable only from the fire
2 district fund.

3 Sec. 2. Retroactivity

4 Section 48-807, Arizona Revised Statutes, as amended by this act,
5 applies retroactively to fire districts that consolidated from and after
6 December 31, 2007.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.